THE HON'BLE SRI JUSTICE C.V. RAMULU

W.P.No.4128 of 2006

Dated: 08th JUNE 2006

Between:

M/s P.S.M. Rice Industry, Rice Merchants,

Allipuram, Nellore Rural Mandal & 15 others

… Petitioners

And:

Government of Andhra Pradesh,

Agriculture and Co-operation (MKTG.II) Department

Rep. By its Principal Secretary, Hyderabad

and 3 others

… Respondents

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ORDER:

This writ petition is filed by as many as 15 owners of the Rice Mills of Nellore

District, seeking to declare the action of the respondents in stopping the vehicles of the petitioners at check-posts for want of payment of market fees on the agricultural produce purchased outside and brought within the notified market area of respondents 3 and 4 under a valid license and proof of payment of market fee, as illegal, arbitrary and capricious.

2. It is the case of the petitioners that all the petitioners are Traders and merchants dealing with rice and boiled rice in and around Nellore town and rural areas in Nellore District having a valid licence granted by the authorities under the Act. All the petitioners have registered with Department of Commercial Tax both Central and State and carrying on their business in accordance with law. Some of the petitioners are of Millers and traders attached to rice mills. They used to prefer to purchase the rice from Orissa and Tamil Nadu and export the same to the State of Kerala and also to the State of Tamil Nadu in some cases. The goods purchased have to pass through the check-posts at Sullurpet and Itchapuram i.e., the respondents 3 and 4 jurisdiction. It is further case of the petitioners that though they are producing the bills showing that the goods are purchased outside the State or outside the check-post limits, they were not being taken into consideration and the market fee is being collected in several check-posts, which is arbitrary and illegal.

3. In the facts and circumstances of the case, I am of the opinion that this writ petition seeking general direction to declare that the Officers be directed to accept the bills that were shown by the petitioners at the check-posts and not to subject the goods for payment of market fee is not maintainable. In each and every case, it is for the authorities to examine whether the bills produced by them to prove that they have purchased the goods outside the State or outside the area of the operation of Marketing Committee and whether the said goods are liable for collecting market fee and whether the same can be collected at the check-posts or any further action need to be taken. No general direction can be issued by this court under Article 226 of the Constitution of India. It is always open for the petitioners to agitate any individual incident that occurred at the check-posts and agitate the same before the appropriate authorities.

In view of the above, the writ petition is liable to be dismissed. Accordingly dismissed. No order as to costs.

C.V. RAMULU, J

Dt.8th JUNE, 2006

BSS